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**BEFORE THE
PHYSICAL THERAPY BOARD
DEPARTMENT OF CONSUMER AFFAIRS**

STATE OF CALIFORNIA

In the Matter of the Accusation and Petition to Revoke
Probation Against:

JAMES AN
4536 Wilshire Boulevard, Unit 2
Los Angeles, CA 90010

Physical Therapist License No. AT-5748

Respondent.

Case No. D1 1999 62273

OAH No. L_2001100489

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical Therapy Board of California. He brought this action solely in his official capacity and is represented in this matter by Bill Lockyer, Attorney General of the State of California, by Rajpal S. Dhillon, Deputy Attorney General.

2. James An (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about February 17, 2000, the Physical Therapy Board of California issued Physical

Therapist Assistant License No. AT-5748 to James An. The Physical Therapy Assistant License has been on active probation since issuance.

JURISDICTION

4. Accusation and Petition to Revoke Probation No. D1 1999 62273 was filed before the Physical Therapy Board (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on June 19, 2001. Respondent timely filed his Notice of Defense contesting the Accusation and Petition to Revoke Probation. A copy of Accusation and Petition to Revoke Probation No. D1 1999 62273 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation and Petition to Revoke Probation No. D1 1999 62273. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation and Petition to Revoke Probation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation and Petition to Revoke Probation No. D1 1999 62273.

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9. Respondent agrees that his Physical Therapist Assistant Licence is subject to discipline

and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Physical Therapy Board. Respondent understands and agrees that counsel for Complainant and the staff of the Physical Therapy Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physical Therapist Assistant License No. AT-5748 issued to Respondent James An is revoked. However, the revocation is stayed and Respondent is placed on probation for an additional seven (7) years from the effective date of this Stipulated Settlement and Disciplinary Order. This seven year term of probation will supercede and replace the terms and conditions of the previous probation imposed in the Stipulation and Disciplinary Order of Case No. 1D-1999-62273. The probation will have the following terms and conditions.

13. PRACTICE IN A SUPERVISED STRUCTURED ENVIRONMENT Respondent may only practice physical therapy under the supervision of a physical therapist who is responsible for the care rendered.

14. RESTRICTION OF PRACTICE - HOME CARE The respondent shall not provide physical therapy services in a patient's home.

15. RESTRICTION OF PRACTICE - GRAVEYARD SHIFT The respondent shall be prohibited from working a graveyard shift or any shift in which there is no other physical therapist practicing.

16. RESTRICTION OF PRACTICE - MONITORING Within 30 days of the effective date of this decision, respondent shall submit to the Board or its designee for its prior approval a plan of practice in which respondent's practice shall be monitored by a physical therapist, licensed to practice in the State of California, who shall provide periodic reports to the Board or its designee.

If the monitor resigns or is no longer available, respondent shall, within 10 days, move to have a new monitor appointed, through nomination by respondent and approval by the Board or its designee.

17. RESTRICTION OF PRACTICE - NO EMPLOYMENT OR SUPERVISION OF PHYSICAL THERAPY STUDENT INTERNS Respondent shall not supervise any physical therapy student interns during the entire period of probation. Respondent shall terminate any such supervisorial relationship in existence on the effective date of this probation.

18. DIVERSION PROGRAM Within 15 days from the effective date of this decision, respondent shall enroll and participate in the Board's Diversion Program until the Board determines that participation in the diversion program is no longer necessary. Failure to comply with requirements of the Diversion Program, terminating the program without permission or being expelled for cause shall constitute a violation of probation by respondent.

19. PROBATION MONITORING COSTS Respondent shall reimburse the Board a maximum of \$75 per month during the entire period of probation for costs incurred for probation monitoring. Respondent will be billed at least quarterly. Failure to make the ordered reimbursement within 60 days of the billing shall constitute a violation of the probation order. In addition to the filing of an Accusation or the issuance of an administrative citation, the filing of criminal charges shall be sought when appropriate.

20. OBEY ALL LAWS Respondent shall obey all federal, state and local laws, and statutes and regulations governing the practice of physical therapy in California.

21. COMPLIANCE WITH ORDERS OF A COURT The respondent shall be in compliance with any valid order of a court. Being found in contempt of any court may constitute a violation of probation.

22. COMPLIANCE WITH CRIMINAL PROBATION AND PAYMENT OF RESTITUTION Respondent must not violate any terms and conditions of criminal probation and must be in compliance with any restitution ordered. Respondent will inform the Board of timely completion of, and provide proof of compliance with, any remaining terms and conditions of his criminal probation. Respondent will so inform the Board as part of his quarterly reporting requirement set forth below. Respondent will likewise report to the Board any violation of his criminal probation, and the circumstances thereto, should a subsequent violation occur.

23. QUARTERLY REPORTS Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

24. PROBATION MONITORING PROGRAM COMPLIANCE Respondent shall comply with the Board's probation monitoring program.

25. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent shall appear in person for interviews with the Board, or its designee, upon request at various intervals and with reasonable notice.

26. NOTIFICATION OF PROBATIONAL STATUS TO EMPLOYERS
The respondent shall notify all present or future employers of the reason for and the terms and conditions of the probation by providing a copy of the Accusation and Petition to Revoke Probation and the decision and order (stipulated settlement) to the employer. The respondent shall obtain written confirmation from the employer that the documents were received. If the respondent changes employment or obtains additional employment, the respondent shall provide the above notification to the employer and submit written employer confirmation to the Board within 10 days. The notification(s) shall include the name, address and phone number of the employer, and, if different, the name, address and phone number of the work location.

27. NOTIFICATION OF CHANGE OF NAME OR ADDRESS The respondent shall notify the Board, in writing, of any and all changes of name or address within ten (10) days.

28. RESTRICTION OF PRACTICE - TEMPORARY SERVICES AGENCIES Respondent may only practice or perform physical therapy in a supervised structured environment. The respondent shall not work for a temporary services agency or registry.

29. PROHIBITED USE OF ALIASES Respondent may not use aliases and shall be prohibited from using any name which is not his legally-recognized name or based upon a legal change of name.

30. WORK OF LESS THAN 20 HOURS PER WEEK If the respondent works less than 192 hours in a period of three months, those months shall not be counted toward satisfaction of the probationary period. The respondent shall notify the Board if him works less than 192 hours in a three month period.

31. TOLLING OF PROBATION The period of probation shall run only during the time respondent is practicing within the jurisdiction of California. If, during probation, respondent does not practice within the jurisdiction of California, respondent is required to immediately notify the probation monitor in writing of the date that respondent's practice is out of state, and the date of return, if any. Practice by the respondent in California prior to notification to the Board of the respondent's return will not be credited toward completion of probation. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled.

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32. VIOLATION OF PROBATION If respondent violates probation in any respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

33. CESSATION OF PRACTICE DUE TO RETIREMENT, HEALTH OR OTHER REASONS Following the effective date of this probation, if respondent ceases practicing physical therapy due to retirement, health or other reasons, respondent may request to surrender his license to the Board. The Board reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, the terms and conditions of probation shall be tolled until such time as the license is no longer

renewable, the respondent makes application for the renewal of the tendered license or makes application for a new license.

34. COMPLETION OF PROBATION Upon successful completion of probation, respondent's license or approval shall be fully restored.

35. PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY WHILE ON PROBATION It is not contrary to the public interest for the respondent to practice physical therapy under the probationary conditions specified in the disciplinary order.

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Physical Therapist Assistant Licence. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Physical Therapy Board.

DATED: _____.

JAMES AN
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Physical Therapy Board of the Department of Consumer Affairs.

DATED: August 12, 2003_____.

BILL LOCKYER, Attorney General
of the State of California

Original Signed By _____
RAJPAL S. DHILLON
Deputy Attorney General

Attorneys for Complainant

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DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical
Therapy Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on September 11, 2003. It is so
ORDERED August 12, 2003.

Original signed by: Donald Chu, PhD. PT

FOR THE PHYSICAL THERAPY BOARD
DEPARTMENT OF CONSUMER AFFAIRS